

REMARKS

The Office Action dated June 8, 2006 has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

In the Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. § 112, second paragraph, as being indefinite; and rejected claims 1-15 under 35 U.S.C. § 103(a) as being obvious over Loffler (USP 6,591,177) in view of Haley (USP 4,718,308). The Examiner returned an initialed copy of Form PTO-1449 indicating consideration of the references cited by Applicants in the Information Disclosure Statement. The Examiner also acknowledged receipt of certified copies of the priority documents and accepted the drawings filed with the application as formal drawings.

Claims 1 – 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner contends that use of the phrase “impossible relation” makes the intended scope of the claims unclear. Claims 1, 2, 8, 9 and 15 have been amended to replace the phrase “an impossible relation,” with the phrase “predetermined relation.” Support for the amendment can be found, *inter alia*, in Figure 5, and from page 21, line 14 to page 22, line 12. Applicants respectfully submit that the amended phrase “predetermined relation,” clarifies the scope of the claim, but is not intended to be, or believed to be, a narrowing amendment. Reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection are respectfully requested.

Although not the subject of rejection or objection, claims 3, 7 and 10 have also been amended to delete the quotation marks around the word gear.

Claims 1 – 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Loffler (USP 6,591,177) in view of Haley (USP 4,718,308). Applicants respectfully traverse the § 103 rejection.

Loffler describes a method of controlling a CVT automatic transmission including a primary pressure sensor, a secondary pressure sensor and an electronic control unit for determining the correlation between the primary and secondary pressures. Loffler does not describe or suggest a hydraulic pressure controller for performing feedback on the primary and secondary pressures. Haley describes a CVT hydraulic control system that includes an electronic control.

It would not have been obvious for one of skill in the art at the time of the invention to combine the teachings of Loffler and Haley, as no possible combination of the two references teaches or suggests the transmission controller presently claimed. The transmission controller of the present application includes a determination means for determining whether or not the correlation between the primary and secondary pressures is a predetermined relation. Further, the transmission controller of the present invention also prohibits feedback control from a hydraulic pressure controller when the determination means determines the correlation to be a predetermined relation. This prohibition of feedback control allows a switchover to open control, which can prevent rapid deterioration of the V-belt due to slipping (see page 24, lines 14 – 24 of the specification).

Neither Loffler or Haley teaches or suggests determining the correlation between the primary and secondary pressures and prohibiting feedback control on the primary and secondary pressures. Accordingly, the claims, as currently presented, cannot be obvious over Loffler in view of Haley, as the references do not teach or suggest all of the elements of the

present claims. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection are respectfully requested.

As all grounds of rejection and objection have been addressed and overcome, entry of this Amendment and issuance of a Notice of Allowance of the claims, as now presented, are respectfully solicited.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (000560-00126). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely.

Any fees due are authorized above.

Respectfully submitted,

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